
City of Durham v. Herndon

testimony, and we note that the record indicates defendant's counsel did in fact attempt to clarify defendant's record after Deputy Eck's testimony was allowed.

For the reasons stated, defendant's sentences are vacated and these cases are remanded for proper sentencing.

Vacated and remanded.

Judge BRASWELL concurs.

Chief Judge VAUGHN dissents.

Chief Judge VAUGHN dissenting.

In my view, the "criminal process" in this case began when the officers proceeded to investigate this defendant's criminal activities. It was for the judge to determine the extent of defendant's cooperation and whether it came at such a time as to compel him to find any cooperation by defendant as a mitigating factor.

CITY OF DURHAM v. CLAIR M. HERNDON AND WIFE, MARY D. HERNDON

No. 8214SC365

(Filed 15 March 1983)

1. Eminent Domain § 16; Municipal Corporations § 28— attachment of condemnation proceeds to satisfy special assessments proper

Because personal property can be attached for payment of a property tax lien, and special assessments can be foreclosed under the same procedure as property tax liens, it was proper for the City of Durham to attach a condemnation proceeds check due defendants as partial payment of unpaid special assessments. G.S. 160A-233(c), G.S. 105-366, G.S. 105-368(a), and G.S. 105-366(b).

2. Municipal Corporations § 28— enforcement of special assessment—notice of attachment of condemnation proceeds

The notice of attachment of condemnation proceeds to partially satisfy an unpaid special assessment was valid under G.S. 105-368(b) where the notice stated the amount of taxes, penalties, interest, and assessments but did not contain "the year or years for which the taxes were imposed."

APPEAL by plaintiff from *Lee, Judge*. Judgment entered 15 October 1981 in Superior Court, DURHAM County. Heard in the Court of Appeals 15 February 1983.